

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

WEST BEND MUTUAL INSURANCE COMPANY)	
)	
)	
)	<i>Plaintiffs,</i>
v.)	Case No: 1:24-CV-00315
)	Judge Sharon J. Coleman
CORRECTIONAL TECHNOLOGIES, INC., d/b/a)	
CORTECH USA, VDL INDUSTRIES, LLC, d/b/a)	
AMERICAN SHAMROCK, and NORIX GROUP, INC.,)	
)	
)	<i>Defendants.</i>

MOTION TO REVISE THE COURT’S MINUTE ENTRY OF MARCH 14, 2024

NOW COMES the Plaintiff, West Bend Mutual Insurance Company (“West Bend”), by and through its undersigned counsel and for its Motion To Revise The Dismissal Order Entered March 14, 2024, states as follows:

1. On March 14, 2024, West Bend filed a Voluntary Dismissal Pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(i). (Doc. #12).
2. The March 14 Dismissal did not indicate whether the action would be dismissed with or without prejudice.
3. Pursuant to Federal Rule of Civil Procedure 41(a)(1)(B), “unless the notice states otherwise, the dismissal is without prejudice.” FRCP 41(a)(1)(B).
4. On March 14, 2024, the Court entered a minute entry dismissing the action “without prejudice for 60 days. If no motion to reinstate is filed by May 13, 2024, the dismissal shall automatically convert to one with prejudice with no further action by the Court”. (Doc. #13).
5. Although the voluntary dismissal renders any current dispute unripe, the stipulation entered between West Bend and its insured allows the insured to formally tender defense to West Bend at a later date. In that event, a dispute between the parties may arise, which may necessitate the filing of a future suit. Under the current language of the March 14, 2024 minute entry, West Bend would be barred from doing so.

6. Therefore, West Bend respectfully requests that the Court revise the March 14, 2024, minute entry and state that the dismissal of this action is without prejudice in accordance with Rule 41(a)(1)(B) and that the dismissal does not automatically convert to a dismissal with prejudice after May 13, 2024, if no motion to reinstate is filed. (Doc. #13).

Respectfully submitted,

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